

REMARKS

With the present amendment, claims 1- 35 are pending. Claims 36-46 have been canceled. Claims 11, 20, 21 and 24-34 have been withdrawn.

Claim 35 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants respectfully submit that claim 35 has been amended to more particularly point out and distinctly claim the invention.

Claims 1-3, 17, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Denman, Jr. (U.S. Patent No. 6,077,004). Claims 1-2, 4-10, 12-19, and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by 102(b) Cook, Jr. (U.S. Patent No. 6,450,472). Claim 35 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cook, Jr. (U.S. Patent No. 6,450,472) in view of Denman, Jr. (U.S. Patent No. 6,077,004).

Claim 1 of the present application calls for an apparatus for securing a small recreational vehicle to a bed of a towing vehicle. The apparatus includes a mounting shaft configured to be securably positionable spaced from the bed of the towing vehicle. The receiver is operably attached to the mounting shaft. A securing device is attachable to the small recreational vehicle. The securing device securably engages the receiver when the small recreational vehicle is placed on the bed of the towing vehicle thereon.

Claim 17 calls for an apparatus for securing a small recreational vehicle to a bed of a towing vehicle. The apparatus includes a mounting shaft having a receiver disposed thereon. The mounting shaft is configured to securably

positionable spaced from the bed of the towing vehicle. A securing ring is attachable to the small recreational vehicle. The securing ring securely engages the receiver to fasten the small recreational vehicle to the bed of the towing vehicle.

Applicants respectfully submit that independent claims 1 and 17 are not anticipated by Denman, Jr. or Cook, Jr. because neither Denman, Jr. nor Cook, Jr. contains all the elements or limitations of independent claims 1 and 17. In particular, neither Denman, Jr. nor Cook, Jr. discloses a mounting shaft that is configured to be securable spaced from the bed of the towing vehicle. Both Denman, Jr and Cook, Jr. disclose that the respective mounting shaft is configured to be secured directly to the bed of the towing vehicle. By having the mounting shaft securable to the bed of the towing vehicle, both Denman, Jr. and Cook, Jr. take up valuable space on the bed of the towing vehicle as pointed out in the specification of the present application. Such placement of the mounting shaft directly on the bed of the towing vehicle limits opportunities for maximizing the available storage capacity of a pick up truck or trailer. Further, by having the mounting shafts configured to directly attach to the beds of the towing vehicle, the ability to place the vehicle on the bed in a position that optimizes the center of gravity of the towing vehicle can be compromised.

In contrast, independent claims 1 and 17 call for the mounting shaft to be configured to be securable in a position spaced from the bed of the towing vehicle. Since the mounting shaft is configured to be positionable spaced from the flat bed instead of having a configuration to be securable directly to the flat bed, such disadvantages as outlined above do not arise.

Claim 35 calls for an apparatus for securing a small recreational vehicle to a bed of a towing vehicle. The apparatus includes a mounting shaft extending in a longitudinal length and having a first end and a second end at opposing ends of the longitudinal length. A mounting base is integral to the shaft of the first end. The mounting base is attachable around a tongue of the towing vehicle by a holding plate so that the second end of the shaft extends about the bed of the towing vehicle. A U-shaped receiver is operably attached to the shaft by securing bolts. The U-shaped receiver has parallel arms extending outward from the shaft when the receiver is attached to the shaft. The receiver is adjustable along the shaft to accommodate small recreational vehicles of different heights. The parallel arms each define a locking aperture. The locking apertures are in parallel alignment with each other. A securing ring is attachable to the small recreational vehicle. The securing ring defines a ring aperture that fits between the extending arms of the U-shaped receiver when the small recreational vehicle is placed on the bed of the towing vehicle. The securing ring extends past the apertures defined in the parallel arms so that the locking apertures and the ring apertures are aligned. A removable fastening device is positionable through both the locking apertures of the parallel arms and the ring aperture of the securing ring to hold the small recreational vehicle on the bed of the towing vehicle.

Neither Denman, Jr. nor Cook, Jr., in combination or alone, render independent claim 35 obvious. As stated above, Denman, Jr. and Cook, Jr. do not disclose, teach or suggest a mounting shaft that is configured to be securable spaced from a flat bed. In particular, neither Denman, Jr. nor Cook,

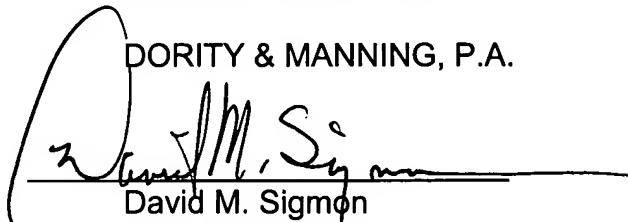
Jr. disclose, teach or suggest a mounting shaft that can be secured around the tongue of a towing vehicle. To the contrary, Denman, Jr. and Cook, Jr. disclose that a mounting shaft for securing of small vehicles to a flat bed are configured to be securable only to the flat bed itself. Thus, Denman, Jr. and Cook, Jr. actually teach away from a configuration of a mounting shaft that is securable around the tongue of a towing vehicle.

For at least these reasons, independent claims 1, 17, and 35 patentably define over the art of record. Since claims 2-10 and 12-16 depend from claim 1 and claims 18, 19, 22 and 23 depend from claim 17, Applicants respectfully submit that claims 2-10, 12-16, 18, 19, 22, and 23 are also allowable. Applicants respectfully submit that the application is now in condition for allowance and favorable action is requested thereon. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this application and to resolve any issues.

Respectfully submitted,

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